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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS**

Applicant: Vilcauskas et al. Group Art Unit: 2176
Serial No.: 09/866,425 Examiner:
Filed: May 24, 2001
Title: Post-Session Internet Advertising Method

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**INFORMATION DISCLOSURE STATEMENT
IN ACCORDANCE WITH 37 CFR §1.98**

Law Office of Karen Dana Oster, LLC
PMB 1020
15450 SW Boones Ferry Rd. #9
Lake Oswego, OR 97035
August 24, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicant submits herewith copies of patents and other art of which he is aware and which he desires to have considered by the Patent Office in accordance with 37 CFR §1.97. In accordance with 37 CFR §1.97(b)(3), this Information Disclosure Statement is being submitted before the mailing date of a first office action on the merits.

In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or patents, or other art referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

Applicants' attorney, Karen Dana Oster, read the July 17, 2002 PATNEWS newsletter with the article entitled "Pop under ad patent app busting" (the "article"). The article claimed that prior art, specifically the website <http://web.archive.org/web/19991013065031/http://pornrodeo.com/> (the "Porn Rodeo website"), "busted" applicants' patent application. Ms. Oster contacted applicants and forwarded the information from the article. This Information Disclosure Statement is based on information from the article, from the Porn Rodeo website, and from research conducted by applicants.

Applicants apologize for the graphic nature of the attached references. Applicants also apologize because it is difficult to show the apparent similarity on screen shots.

Applicants do not believe that the Porn Rodeo website actually teaches or suggests their claimed invention as set forth in the above referenced patent application. Further, applicants have every

reason to believe that the inventors of the claimed invention conceived the invention before the conception of the "pop under" feature used in the Porn Rodeo website.

Even if the Porn Rodeo website disclosed every element of every claim (although this is in no way an admission) in applicants' patent application, the Porn Rodeo website is not prior art that would prevent applicants from obtaining a patent.

Turning first to section 102(a), applicants believe that they were the first to conceive the invention. Specifically, it is a matter of public record that the record for applicants' domain name, exitexchange.com, was created on July 8, 1999, months before the Porn Rodeo website was apparently "known or used by others in this country, or patented or described in a printed publication in this or a foreign country." The domain name "exitexchange.com" loosely suggests applicants' claimed invention. Applicants' conception was prior to July 8, 1999. According to applicants' research using the internet archive Wayback Machine, on October 12, 1999, the Porn Rodeo website had code that created a pop-up on entry into the website that immediately popped forward and a pop-up on exit of the page that immediately popped forward. Using the internet archive Wayback Machine applicants further found that the Porn Rodeo website appears to have been first published with a "pop under" feature on October 13, 1999 (the code is attached as a reference). Applicants' believe, therefore, that their conception predated the Porn Rodeo website (and conception) and, therefore, the Porn Rodeo website cannot serve as 102(a) prior art.

Turning next to section 102(b), as mentioned above, according to applicants the Porn Rodeo website appears to have been first published ("described in a printed publication in this or a foreign country or in public use or on sale in this country") on October 13, 1999. This is less than one year prior to applicants' priority date of May 26, 2000 and, therefore, the Porn Rodeo website cannot serve as 102(b) prior art.

The remaining subsections of 102 appear to be irrelevant to the present facts.

A list of the references enclosed herewith is set forth on the attached single page of Form PTO/SB/08A. Again, applicants apologize for the graphic nature of the attached references.

The person making this statement is the attorney who signs below based on the information supplied by applicants and the information in the file.

Respectfully submitted,



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